

In re) Fair Hearing No. 17,360
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Appeal of)

The petitioner appeals the determination by the Department of PATH that she is only eligible for \$10 a month in Food Stamps. The issue is whether the Department correctly calculated the petitioner's Food Stamps in light of her income and allowable deductions. The facts are not in dispute.

1. The petitioner lives in a household of two persons and has monthly income of \$1,188 from Social Security Survivor benefits.

3. The Department calculated the petitioner's Food Stamp allotment by subtracting a standard deduction of \$134 from her gross income. It did not allow the petitioner any other deductions. This resulted in the petitioner being found eligible for \$10 a month in Food Stamps.

4. The petitioner appealed because she believes that her car payments and insurance, which total more than \$200 a

month, should be deducted from her income in determining the amount of her Food Stamps.

ORDER

The Department's decision is affirmed.

REASONS

Under the Food Stamp Regulations the amount of a household's monthly allotment is determined according to household income minus any applicable deductions. FSM § 273.9 et seq. All households are entitled to a standard deduction of \$134. FSM § 273.9d(1) and Procedures Manual P-2590-A.

There is no provision in the regulations for deducting car expenses for non self-employed individuals.²

In the petitioner's case, the standard deduction lowers her countable income to \$1,054 (\$1,188 minus \$134). Her Food Stamps of \$10 a month (which is the minimum payable under the program) was based on a two-person household with \$1,054 net income. Procedures P-2590 C.

Inasmuch as the Department's decision is in accord with the pertinent regulations the Board is bound by law to affirm.

¹See FSM § 273.2(j)(2).

²The only other deduction that could have been applicable to the petitioner's situation is the household shelter deduction. This is determined by the amount by which the household's shelter costs (rent and utilities) exceed 50 percent of the household's income after all other deductions have been made. FSM § 273.9d(5). However, it does not appear that the petitioner's shelter costs are sufficient to qualify her for this deduction.

3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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